



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,002	01/11/2001	Mark Peairs	74451.P084XC	1007

7590 04/02/2004

Michael J. Mallie
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

EXAMINER

CANGIALOSI, SALVATORE A

ART UNIT	PAPER NUMBER
----------	--------------

2661

DATE MAILED: 04/02/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/759,002

Applicant(s)

PEAIRS ET AL.

Examiner

Salvatore Cangialosi

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 35-71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2661

1. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

2. Claims 35-71 are rejected under 35 U.S.C. § 103 as being unpatentable over Boyne in view of Glickman et al.

Regarding claim 35, Boyne (See Fig. Col. 7, lines 25-50, Col. 8, lines 1-10) disclose method for storing, archiving and indexing documents for retrieval with a database between a processor and a peripheral device substantially as claimed. The differences between the above and the claimed invention is the specific processing of index information. Glickman et al (See Figs. 2 and 3, Col. 4, lines 15-31) show a program for abstracting and archiving documents employing an identifier code and word index files stored. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Boyne because they are well known and

Art Unit: 2661

conventional functional equivalents of indexing in the prior art. Regarding the program limitations of claim 36, Glickman et al (See Figs. 2 and 3, Col. 4, lines 15-31) show a program which is the functional equivalent of the claim. Regarding keyword limitations of claim 37, Glickman et al (See Figs. 2 and 3, Col. 4, lines 15-31) disclose word index files substantially as claimed. Regarding the searching limitations of claim 38, Glickman et al (See Fig. 3) disclose searching based on input query substantially as claimed. Regarding the archiving limitations of claim 39, Glickman et al (See Figs. 2 and 3, Col. 4, lines 15-31) show a transparent automatic document archiving system substantially as claimed. Regarding the document capture limitations of claim 40, Boyne (See Fig. Col. 7, lines 25-50, Col. 8, lines 1-10) disclose method for storing, archiving and indexing documents for retrieval by image data substantially as claimed. Regarding the format limitations of claim 41, Boyne (See Fig. Col. 7, lines 25-50, Col. 8, lines 1-10) disclose method for storing, archiving and indexing documents substantially as claimed. In as much as OCR image processing is disclosed, the formats are no more than the obvious formats employed in scanning documents. Regarding the image text limitations of claim 42, Boyne (See Fig. Col. 7, lines 25-50, Col. 8, lines 1-10) disclose method for storing, archiving and indexing text file documents for retrieval by image data substantially as claimed. Regarding the document capture limitations of claim 43, Glickman et al (See

Art Unit: 2661

Fig. 1) show a portioned memory substantially as claimed.

Regarding the database limitations of claim 44, Glickman et al (See Col. 4, line 19) show a database substantially as claimed.

Regarding the remote storage limitations of claim 45, Boyne (See Fig. Col. 7, lines 25-50, Col. 8, lines 1-10) disclose distinct remote memories which are the functional equivalents of the claim. Regarding the database record limitations of claim 46, Glickman et al (See Col. 4, line 20) show a database record substantially as claimed. Regarding the source limitations of claim 47, Boyne (See Fig. Col. 7, lines 25-50, Col. 8, lines 1-10) disclose method for storing the document and index which is the functional equivalent of the claim. Regarding the link limitations of claim 48, Boyne (See Fig. Col. 7, lines 25-50, Col. 8, lines 1-10) disclose method for storing the document and index which constitutes the functional equivalent of the claim. Regarding the network limitations of claim 49, Boyne (See Fig. Col. 7, lines 25-50, Col. 8, lines 1-10) disclose method for archiving documents with a plurality of peripheral devices which functions as a de facto network. Regarding the browser limitations of claim 50, Boyne (See Fig. Col. 7, lines 25-50, Col. 8, lines 1-10) disclose program based access to the documents which are the functional equivalents of a browser. Regarding the browser limitations of claim 51, Boyne (See Fig. Col. 7, lines 25-50, Col. 8, lines 1-10) disclose program based access to the documents which are the functional equivalents of a

Art Unit: 2661

browser. Regarding claim 52, Boyne (See Fig. Col. 7, lines 25-50, Col. 8, lines 1-10) disclose a method for storing, archiving and indexing documents for retrieval with a database between a processor and a peripheral device substantially as claimed. The differences between the above and the claimed invention is the specific processing of index information. Glickman et al (See Figs. 2 and 3, Col. 4, lines 15-31) show a program for abstracting and archiving documents employing an identifier code and word index files stored. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Boyne because they are well known and conventional functional equivalents of indexing in the prior art. Regarding keyword limitations of claim 53, Glickman et al (See Figs. 2 and 3, Col. 4, lines 15-31) disclose word index files substantially as claimed. Regarding the searching limitations of claim 54, Glickman et al (See Fig. 3) disclose searching based on input query substantially as claimed. Regarding the document capture limitations of claims 55-56, Boyne (See Fig. Col. 7, lines 25-50, Col. 8, lines 1-10) disclose method for storing, archiving and indexing documents for retrieval by image data substantially as claimed. Regarding the archiving limitations of claim 57, Glickman et al (See Figs. 2 and 3, Col. 4, lines 15-31) show a transparent automatic document archiving system substantially as claimed. Regarding the document image capture limitations of claim 58, Boyne (See Fig. Col. 7, lines 25-50,

Art Unit: 2661

Col. 8, lines 1-10) disclose method for storing, archiving and indexing documents for retrieval by image data substantially as claimed. Regarding the browser limitations of claim 59, Boyne (See Fig. Col. 7, lines 25-50, Col. 8, lines 1-10) disclose program based access to the documents which are the functional equivalents of a browser. Regarding the browser limitations of claim 60, Boyne (See Fig. Col. 7, lines 25-50, Col. 8, lines 1-10) disclose program based access to the documents which are the functional equivalents of a browser. Regarding claim 61, Boyne (See Fig. Col. 7, lines 25-50, Col. 8, lines 1-10) disclose a system for storing, archiving and indexing documents for retrieval with a database between a processor and a peripheral device substantially as claimed. The differences between the above and the claimed invention is the specific processing of index information. Glickman et al (See Figs. 2 and 3, Col. 4, lines 15-31) show a program for abstracting and archiving documents employing an identifier code and word index files stored. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Boyne because they are well known and conventional functional equivalents of indexing in the prior art. Regarding keyword limitations of claim 62, Glickman et al (See Figs. 2 and 3, Col. 4, lines 15-31) disclose word index files substantially as claimed. Regarding the document capture limitations of 63, Boyne (See Fig. Col. 7, lines 25-50, Col. 8, lines 1-10) disclose

Art Unit: 2661

method for storing, archiving and indexing documents for retrieval by image data substantially as claimed. Regarding the memory limitations of claim 64, Glickman et al (See Fig. 1) show a portioned memory substantially as claimed. Regarding the partitioned memory limitations of claim 65, Glickman et al (See Fig. 1) show a portioned memory substantially as claimed. Regarding the program limitations of claim 66, Boyne (See Fig. Col. 7, lines 25-50, Col. 8, lines 1-10) disclose program based access to the documents which are the functional equivalents of a program. Regarding the browser limitations of claim 67, Boyne (See Fig. Col. 7, lines 25-50, Col. 8, lines 1-10) disclose program based access to the documents which are the functional equivalents of a browser. Regarding claim 68, Boyne (See Fig. Col. 7, lines 25-50, Col. 8, lines 1-10) disclose a program for storing, archiving and indexing documents for retrieval with a database between a processor and a peripheral device substantially as claimed. The differences between the above and the claimed invention is the specific processing of index information. Glickman et al (See Figs. 2 and 3, Col. 4, lines 15-31) show a program for abstracting and archiving documents employing an identifier code and word index files stored. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Boyne because they are well known and conventional functional equivalents of indexing in the prior art. Regarding the program limitations of

Art Unit: 2661

claim 69, Glickman et al (See Figs. 2 and 3, Col. 4, lines 15-31) show a program which is the functional equivalent of the claim. Regarding claim 70, Boyne (See Fig. Col. 7, lines 25-50, Col. 8, lines 1-10) disclose a program means for storing, archiving and indexing documents for retrieval with a database between a processor and a peripheral device substantially as claimed. The differences between the above and the claimed invention is the specific processing of index information. Glickman et al (See Figs. 2 and 3, Col. 4, lines 15-31) show a program for abstracting and archiving documents employing an identifier code and word index files stored. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Boyne because they are well known and conventional functional equivalents of indexing in the prior art. Regarding the link limitations of claim 71, Glickman et al (See Col. 4, line 19) show a database which is the functional equivalent of providing links between the source and a record.

Applicants may also wish to file a terminal disclaimer to avoid obviousness double patenting with the two prior patents.

Any inquiry concerning this communication should be directed to Salvatore Cangialosi at telephone number (703) 305-1837. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Olms, can be reached at (703) 305-4703.

Serial Number: 09/759,02

9

Art Unit: 2661

Any response to this action should be mailed to:


Commissioner of Patent and Trademarks

Washington, D.C. 20231

or faxed to (703)872-9306

Hand delivered responses should be brought to Crystal Park
II, 2121 Crystal Drive, Arlington, Virginia, Sixth
Floor(Receptionist).

Any inquiry of a general nature or relating to the status of
this application or proceeding should be directed to the
Technology Center 2600 Customer Service Office whose telephone
number is (703) 306-0377.


SALVATORE CANGIALOSI
PRIMARY EXAMINER
ART UNIT 222